

# Exhibit C

**From:** [Przybylko, Eric](#)  
**To:** [Ethan Roman](#)  
**Cc:** [Steven Wittels](#); [Burkett McInturff](#); [Nathan Rice](#); [Ripin, Peter M.](#)  
**Subject:** RE: Cap 111 v. Manhattan Beer - Plaintiffs' Search Terms Counterproposal  
**Date:** Wednesday, July 19, 2023 6:19:19 PM  
**Attachments:** [image001.png](#)

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Ethan,

We write in response to your "proposal" that Defendants add nine custodians "[b]ased on Defendants' document production to date." As this would virtually double the numbers of custodians currently collected by Defendants and Plaintiffs offer no explanation in the email below as to why Plaintiffs propose such additional custodians be used (other than a parenthetical notation of title), Defendants do not intend to accept Plaintiffs' proposal or provide the other information requested re these proposed custodians unless Plaintiffs can offer a more substantive reason beyond titles to put Manhattan Beer to the burden and expense of collecting the ESI of these custodians. Plaintiffs' proposal is clearly premature and Plaintiffs should wait until Defendants' search-based review and production begins before Plaintiffs arbitrarily attempt to impose additional custodian collection obligations on Defendants.

Eric

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**From:** Ethan Roman <edr@wittelslaw.com>  
**Sent:** Monday, July 17, 2023 6:33 PM  
**To:** Przybylko, Eric <ep@dhclegal.com>; Ripin, Peter M. <PMR@dhclegal.com>  
**Cc:** Steven Wittels <slw@wittelslaw.com>; Burkett McInturff <jbm@wittelslaw.com>; Nathan Rice <nar@wittelslaw.com>  
**Subject:** Cap 111 v. Manhattan Beer - Plaintiffs' Search Terms Counterproposal

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Eric & Peter –

This email includes Plaintiffs' proposal for additional custodians and our search terms counterproposal pursuant to Defendants' initial proposal as modified in Eric's July 6 email.

**Custodians:**

Based on Defendants' document production to date, Plaintiffs propose adding the following individuals as custodians:

1. George Wertheimer (CFO)
2. Eileen Hoy (Chief of Staff)
3. Robert Mitchell (VP of Sales)
4. Albert Greco (VP of Marketing)

5. Adam Snyder (General Sales Manager MBD Wholesale)
6. John Vacanti (General Sales Manager Corporate Chain Sales)
7. Joe Murphy (Director, Pricing and Director, Revenue and Portfolio Management)
  - a. We also propose Mr. Murphy's predecessor(s) as custodians
8. Mark Johnson (CFO)

For these individuals, please identify whether they have any personal email accounts, personal cell phones, or personal text messaging applications used in connection with any aspect of Manhattan Beer's business.

**Search Terms:**

See the attached document containing Plaintiffs' counterproposal to Defendants' initial search terms proposal. Please also note the following regarding two aspects of Plaintiffs' counterproposal.

*1. Anchor Sets*

There are two "Anchor Sets" contained in Plaintiffs' counterproposal. These Anchor Sets operate the same as defined terms, meaning the full defined list of words in footnotes 1 and 2 should be incorporated into each term using the Anchor Sets.

Anchor Set A includes the terms "deposit\* OR carrier\* OR carton\* OR cardboard\* OR mother\*" and Anchor Set B includes the terms "deposit\* OR dpst\* OR fee\* OR \*charg\* OR bill\* OR pay\* OR paid\*"

As an example of how Plaintiffs' counterproposal works, term 2 reads "handbook AND (Anchor Set A)." This term should be run as "handbook AND (deposit\* OR carrier\* OR carton\* OR cardboard\* OR mother\*)."

Similarly, term 6 reads (mother\* OR carton\* OR carrier\* OR cardboard\*) w/50 (Anchor Set B). This term should be run as (mother\* OR carton\* OR carrier\* OR cardboard\*) w/50 (deposit\* OR dpst\* OR fee\* OR \*charg\* OR bill\* OR pay\* OR paid\*)."

*2. Alternate Versions of Terms*

We find it helpful to use alternate versions of some terms using "w/#" proximity limitations because it can quickly cut through disputes regarding whether to use 10, 20, 50, etc. as the proximity term because there may be not be material differences between the different connectors. You will see "[Alternate versions:]" preceding any terms where we are doing this. See, e.g., Nos. 6–9.

Best,  
Ethan

**Ethan D. Roman**

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